

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

_____	x	
JOSEPH LABICK,	:	ECF CASE
	:	
Plaintiff,	:	07 CV 6846 (SCR) (GAY)
	:	
- against -	:	<b>DECLARATION OF</b>
	:	<b>PAUL LIMMIATIS</b>
CONSOLIDATED EDISON COMPANY	:	
OF NEW YORK, INC.,	:	
	:	
Defendant.	:	
_____	x	

Paul Limmiatis, an attorney licensed to practice in this Court and the courts of the State of New York, declares, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am of counsel to Mary Schuette, Esq., attorney of record for Defendant Consolidated Edison Company of New York, Inc. ("Con Edison") in this action. This Declaration is submitted to notify the Court that counsel for Con Edison have not been served with any objections to the Report and Recommendation of U.S. Magistrate Judge George A. Yanthis, dated March 10, 2008, which recommended dismissal of the complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted.

2. Con Edison respectfully requests that the Court accept the Magistrate's Report and Recommendation in its entirety, for the reasons set forth therein, and issue a final order dismissing the action in its entirety with prejudice.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on April 11, 2008.

  
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PAUL LIMMIATIS